

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BILLY D. FOWLER,

Petitioner,

v.

MAGGIE MILLER-STOUT,

Respondent.

Case No. C07-5356RJB-KLS

ORDER GRANTING
RESPONDENT'S MOTION FOR
AN EXTENSION OF TIME AND
DENYING PETITIONER'S
MOTION TO STRIKE

This matter is before the court on respondent's motion for an extension of time to file an answer to petitioner's petition for writ of federal *habeas corpus*. (Dkt. #12) After reviewing respondent's motion, petitioner's motion to strike respondent's motion (Dkt. #14) and the remaining record, the Court hereby ORDERS as follows.

On August 29, 2007, the Court issued an order directing service of the petition on respondent, and requiring the filing of an answer thereto within 45 days of service thereof. (Dkt. #6). Service was made on September 5, 2007. (Dkt. #8). As such, respondent's answer was due on October 20, 2007. Respondent requests an extension of time until November 19, 2007, for filing the answer due to the extensive caseload of respondent's counsel and need to review the record in this case, determine whether all state remedies have been exhausted, and respond to the merits of the petition.

Petitioner objects to respondents' request for an extension of time, arguing that none of the reasons respondent asserts for making that request having any bearing on this matter. He further argues

1 that if he were late in filing his petition, he would be time-barred. Finally, plaintiff asserts that an
2 extension of time would hinder his rights, and that he has his own pending state and federal caseload.

3 The Court finds, however, that respondent's request is not unreasonable. The request seeks only
4 an extra 30 days in which to file an answer. The Court does not find such an extension would present an
5 unfair burden on petitioner's ability to present his case. Indeed, this Court in other cases has granted both
6 respondents and petitioners extra time in which to file their answers, petitions or other pleadings, when it
7 is found necessary for the proper presentation of a case.

8 Accordingly, respondent's motion for an extension of time (Dkt. #12) is GRANTED. Petitioner's
9 motion to strike respondent's motion (Dkt. #14), therefore, hereby is DENIED. Respondent shall file an
10 answer to the petition by **no later than November 19, 2007**.

11 The Clerk shall send copies of this Order to petitioner and counsel for respondent.

12 DATED this 1st day of November, 2007.

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16 Karen L. Strombom
17 United States Magistrate Judge
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